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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 822

DAVID GROSSMAN, et al.,
Petitioner,

vs.

JEANNETTE STUBBS & HAROLD RUGG,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

IRMA GROSSMAN, *pro se,*
for
DAVID GROSSMAN,
287 Avenue C,
New York, New York.

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IN THE

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OCTOBER TERM, 1964

No.

DAVID GROSSMAN *(et al)*,

Petitioner,

v.

JEANNETTE STUBBS & HAROLD RUGG,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

Petitioner prays that a writ of certiorari issue to review the judgment of the Superior Court of New Jersey Appellate Division, entered in the above entitled case of September 24, 1964.

Citations to Opinions Below

The opinions (2) of the Superior Court, Appellate Division is set forth as Appendix A to this petition. The Supreme Court of New Jersey denied certification petition November 25, 1964, without hearing.

Jurisdiction

The denial of Petition for Certification was filed November 25, 1964. It is set forth as Appendix B to this petition. The jurisdiction of this Court is invoked under the United States Constitution Article III; section 2.

Questions Presented

1. Was plaintiff's constitutional rights under the Fourteenth Amendment violated where:

(a) When plaintiff was never advised of his constitutional right of having trial in his own state of residence and where the accident occurred. But was instead coerced into believing he must have trial in the defendants state.

(b) In the state in which he was coerced into trial the rules of court unbeknown to him would be much different to those that he would be entitled to in his own state.

(c) Where petitioner is listed as a third count at trial in which he is coerced into believing is only for his wife's injuries and his pro quod.

(d) Where this third count is dismissed at the end of the trial via a purported settlement.

(e) Where the Appellate Division handed down a prejudiced opinion with a remand; where no opinion was necessary until after the testimony had been taken; and that opinion would only encourage perjury on the part of the defendant witnesses.

2. Was Article III section 2 violated for the same aforementioned reasons.

3. Was Article VII of the amendments of the United States Constitution violated where:

(a) A purported settlement was inflicted upon plaintiff of which he had no knowledge of until almost one year had passed and transcript had been ordered.

(b) Where the Appellate Court denied his constitutional right of trial by jury.

(c) Where the Supreme Court of New Jersey refused to hear the Appellate Court's denial of this right.

Constitutional Provisions Involved Fourteenth amendment: Section One

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction of the equal protection of the laws."

Article III: Section Two

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all cases Affecting Ambassadors, other public Ministers, and Counsels;—to all Cases of admiralty and maritime Jurisdiction—to Controversies to which the United States shall be a Party; to Controversies between two or more States;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizen thereof, and foreign States, Citizens or Subjects.

"

Article VII of the Amendments

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be

otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Statement of the Case

Petitioner a resident of New York State having had an automobile accident June 11, 1961 in New York State in which petitioner's wife was seriously injured. Mr. Grossman who works in New Jersey consulted the firm of Pearlman & Krumholz on procedure. He was informed by B. Pearlman that suit can only be in New Jersey and coerced him to sign a retainer. This firm then proceeded in suit in the name of Mrs. Grossman who they never spoke with or saw until three months later. There was no consent or knowledge of this act by the Grossmans.

Trial was scheduled September 17, 1962, the Grossmans in the court corridor were introduced to Morris F. Pearlman by his brother B. Pearlman, who informed them they must continue with this imposed counsel whom they never knew existed. The Grossmans were never asked to give written consent. The substitution of attorney was filed on September 24, 1962 after the trial. The Grossmans didn't learn that such a document existed until 1963 when they were informed they had the right to order all the paper filed in the County Clerks office.

During this trial on September 19, 1962 M. F. Pearlman purportedly settled Mr. Grossman's personal injury suit for $350.

The only cause the Grossmans believed on trial was Mrs. Grossman's personal injuries and Mr. Grossman's Pro Quod. Mr. Grossman was to have suit in his own name.

Mr. and Mrs. Grossman had testified. Mr. Grossman testified only of the occurrence of the accident. Nothing was asked of his injuries. Mrs. Grossman testified of her injuries and the accident. The defendant Stubbs testified. The insurance company doctor testified and the Grossman

family doctor testified. On the afternoon of September 19. 1964 there had been a recess of about twenty minutes while we were waiting for Mrs. Grossman's two doctors to arrive. At approximately three o'clock M. F. Pearlman approached the Grossmans who during the whole trial sat in the spectators' seats. Pearlman informed the Grossmans the jury would get cold and the judge would be annoyed if we did not end medical testimony and go into summation. The petitioners were already upset and aggravated about this man being imposed we were coerced into agreeing.

Pearlman and the opposition counsel Campo approached the bench. Pearlman took a very odd stance; he rested his elbows on the judge's bench and placed his hands over his ears. All talking was done in conversational tones. Eventually the judge beckoned us up to the bench. Mrs. Grossman walked first under the assumption she would walk around the jury box and stand next to the lawyers. A guard re-directed her to walk past the counsel tables to the railing which separates the bench from the "well". The first words directed to the Grossmans are by Pearlman "Mr. and Mrs. Grossman do you understand what has been happening" he then explained how we were agreeing to no further medical testimony. Mr. Grossman said "Yes". Mrs. Grossman said "Yes". Not until the Grossman's ordered testimony almost a year later did they know what the conversation they didn't hear contained. Pearlman spoke of Mrs. Grossman's personal injury as a first count. Mr. Grossman's Pro Quod or loss of service as a second count and he dismissed Mr. Grossman's personal injury which he has listed as a third count by an adjustment with prejudice for $350.

The trial of September 1962 was set aside because of the low verdict on all points although the judge stated he had no doubt in his mind of the defendants' negligence.

On approximately October 31 M. Pearlman called Mr. Grossman at his business and told him he would need money for continued medical testimony for his wife and Pearlman stated that through a lucky break the insurance company offered $350. Pearlman came in the next day with papers Mr. Grossman refused to sign as he wished trial for himself and he refused to give this man any money as Mr. and Mrs. Grossman didn't want any of the Pearlmans to represent them as it had been hinted that they might be entitled to New York State Court. Pearlman then sent a letter (exhibit 1) which referred to a settlement out of court. The Grossmans had no idea at this time that M. Pearlman had a New York license and was maliciously withholding petitioners' constitutional rights.

Petitioners were coerced into a second trial for Mrs. Grossman as they didn't know the legal way to get rid of Pearlman. They refused to give him any money and stalled as long as he would allow. Pearlman had to finish Mrs. Grossman because of the purported settlement. The Grossmans informed Pearlman to have the second verdict set aside (#385 U. S. Supreme on rehearing for remand) he instead presented a lien for his fees. He asked for ⅓ in the motion papers but contrived for and got 40%. A few days before the lien petitioner learning of the ethics committee sent them a letter and petitioner expected someone to come to see that their rights were protected that one day. No one came. The Grossmans were crucified. At this lien Pearlman separated himself from us. After the lien Mr. Grossman wrote to the judge who presided over the lien and asked him to inquire of the settlement as Mr. Grossman signed nothing and agreed to nothing. The judge answered it was a matter between our attorney and us.

In May of 1963 we ordered all transcript and records from the court. We then read Pearlman's stunt and knew how he pulled it off.

As no settlement was agreed to by Mr. Grossman he then started suit in the New York State Court. In December of 1963 the insurance company cohorts in New York had us up for a summary judgment which was denied and we were told to straighten out the matter in the New Jersey Courts.

On January 10th, 1964 a motion was held in the Bergen County Court. All interested parties were notified. Pearlman didn't show up. Campo who at the time of the purported settlement work directly out of All-States office was no longer working for them at this time. Campo was fairly dragged into court but made no statement. The opposition lawyer relied on the transcript. The judge refused the motion and claimed he had no recollection of the settlement.

We then applied to the Appellate Division who heard this matter on May 4, 1964. Pearlman showed up at the Appellate hearing and wanted to testify for the insurance company against both Mr. and Mrs. Grossman. They refused him at this time and handed an opinion Exhibit AI that was so prejudiced that the court fairly asked for perjury to be committed. The matter was remanded back to the County Court.

Hearing was set for May 22, 1964. Pearlman tried to tie in the letter for the $350 to the purported settlement. Campo wouldn't allow himself to be tied in with the purported settlement so it was stated that he didn't settle the case an adjuster did. But Campo did state that all parties were standing at the bar the full length of Pearlman's spiel.

Mr. Grossman testified. Mrs. Grossman not only testified but enacted a purported settlement. This stunt, once you know how, can be done in any courtroom of any state. Mrs. Grossman verbally let the court have it.

New Jersey Rules 1:30-6(a) states testimony should have been ready "no later than two weeks". Two weeks to the day which was a Friday Mr. Grossman went to get the transcript and was informed it wasn't ready. Sunday the court stenographer called at our home and accused Mr. Grossman of tampering with her machine and taking the testimony. Mr. Grossman replied that any time the court wanted his finger-prints he was ready. A few days later we received a letter (exhibit 2) informing us that only our testimony and the judge's findings was lost. New testimony was taken almost four months later on September 14, 1964 of only Mr. and Mrs. Grossman and the court stenographer who under oath only said the transcript was missing. The Appellate Division handed down their expected decision of denial from which we take this appeal.

We have submitted a copy of the certification that was filed in the Supreme Court of New Jersey. In this certification we have shown through testimony from Pearlman that on May 8, 1964 he stated under oath settlement was made at the bench between counsel. On May 22 he again stated between counsel. In tying in the letter he sent between Trials he tried to convince the court that Mr. Grossman agreed to settle his case on September 19, 1962 to pay for his wife's medical testimony and in the same breath forfeit that testimony. The only doctor to testify in this trial was the family doctor who only got $100. The whole idea just doesn't mesh and yet the Supreme Court of New Jersey refused to hear it.

The Appellate Court harped on the fact that the interrogatories for Mr. Grossman held only limited information. Mr. Grossman was never asked by any of these counsels to give the names of the doctors treating him. At the Appellate Division the matter of the purported settlement was the issue not Mr. Grossman's injuries. Mr. Grossman did refuse to give full medical information to the Appellate Court on the advice of Mrs. Grossman who feels that since they are not attorneys and do not presume to be attorneys when the fraud is put aside we will hand the matter over to competent attorneys who may not have wanted us to make any unnecessary disclosures. The issues before the court at that time were only the purported settlement and Mr. Grossman's denial of Article VII of the amendment which is his right of trial by jury.

As in the court record we were in a stationary position when we were hit from behind with such force as to tear the front seat off the floorboard. We were tipped so far back our heads were almost in the back seat. From this kind of a hit you don't come out uninjured.

Rule 4:37-2 N. J. states the Attorney General must be served notice if any rule or constitutional provision is challenged. The petitioners were never notified of this rule by any of the courts and have first done so at this late date. In the Certification rule 4:8-1 which took away the right of mentioning money was challenged. The fact that judges in the Courts of New Jersey are appointed and not elected was challenged Article VI of the State Constitution. This was done to show that the people of New Jersey are kept in complete ignorance of what is happening in their courts. There is no controversy whatsoever in which the people can vote and thereby have some understanding of the rules they are governed by and the judges who will decide on these rules. In petitioners

state New York there is always controversy which is good. It kept the lawmakers and judges on their toes. It is their job to serve the people not rule over them.

M. F. Pearlman has always been served with copies of the papers filed wi' the court as he is in actuality the defendant. He pulled off the stunt. He has never had need to answer as the court up to this date has always protected him. We in any form have never had hearing against his frauds.

Reasons for Granting the Writ

I

The decision of the Court below will deny unsuspecting citizens the right of trial by jury. It will take away from every citizen the right of being entitled to the laws of his resident state. It will relieve every attorney from the responsibility of giving or informing his clients of his full constitutional rights. Attorneys will be able to state half facts and half truths as long as they seemingly keep within some boundary of the laws.

II

Purported Settlements will become an accepted thing. It will end the will of man.

III

The public has certain rights but if they are unaware of these rights and these rights are not protected by law they are not worth more than the paper they are written on.

IV

The civil rights issue affects only 20% of the public while an issue of this type will at one time affect every American family. Unfortunately most Americans will not know when a stunt like this is pulled on them. Nor would the average person spend $1,500 to find out how a $350 trick is pulled off.

V

The personal injury or negligence suit has become big business a piece is cut off for the court, a piece for the attorney, crumbs and pain for the victim. In big business you need some controls to protect the public.

CONCLUSION

For the foregoing reasons this petition for Writ of Certiorari should be granted.

Respectfully submitted,

IRMA GROSSMAN, *Pro se*
for David Grossman.

NOT FOR PUBLICATION WITHOUT THE APPROVAL
OF THE COMMITTEE ON OPINIONS

Opinion

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

A-558-63

DAVID T. GROSSMAN,
plaintiff-appellant,

vs.

JEANNETTE STUBBS and HAROLD RUGG,
defendants-respondents.

Argued May 4, 1964—Decided May 11, 1964.

Before—Judges GOLDMANN, KILKENNY and COLLESTER.

MR. DAVID T. GROSSMAN, appellant, argued the cause *pro se*.

MR. EDWARD C. HILLIS argued the cause for respondents (Messrs. Marley, Winkelried & Hillis, attorneys; Mr. Hillis on the brief).

Per Curiam

Plaintiff appears from a Bergen County Court order denying his motion to set aside the purported settlement of his action for personal injuries in *Irma Grossman and*

Opinion

David T. Grossman v. *Jeanette Stubbs and Harold Rugg* (Bergen County Court, *Docket No.* 61-646B).

As more fully set out in our opinion in *Grossman* v. *Stubbs, Docket* A-640-62, just decided, Mr. and Mrs. Grossman sued for damages arising out of an accident when defendant Stubbs drove a car owned by defendant Rugg into the rear of an automobile which Grossman was driving. The complaint filed June 11, 1961 was in three counts seeking (1) damages for Mrs. Grossman's personal injuries, (2) Grossman's damages *per quod*, and (3) damages for Grossman's personal injuries. The case was tried before County Judge Galanti and a jury on September 18, 19 and 20, 1962, Morris F. Pearlman appearing as plaintiffs' attorney. During the course of the trial and in open court Grossman's personal injury claim was allegedly settled for $350. The trial continued on the first two counts and resulted in a verdict of $3,500 in favor of Mrs. Grossman and $1,000 for Mr. Grossman, against defendant Stubbs only. There was a dismissal as to Rugg.

On application of Mr. Pearlman, Judge Galanti set the verdict aside and granted a new trial as to all issues and parties on October 8, 1962. Thereafter the case was retried before County Judge Marini and a jury on January 23, 1963. During the trial the complaint was dismissed as to defendant Rugg, without objection. The jury returned a verdict against defendant Stubbs in favor of Mrs. Grossman for $8,000 and Grossman, *per quod*, for $2,000. The Grossmans appealed the judgment entered upon the second verdict, which judgment has been affirmed by us.

Grossman refused to sign a release of his personal injury claim. On this appeal he claims it was his under-

standing that his personal claim for damages was not to be tried until his wife's action and the *per quod* claim—*i.e.*, the first two counts of the complaint—were concluded. He alleges that the first time he had any knowledge of the fact that his personal suit had been joined with that of his wife was when he ordered a trial transcript in May 1963. It was then, also, that he says he first learned of the purported settlement of his case for $350.

Although Grossman's assertion that he did not know that all three counts of the complaint were to be tried at one time is not involved on this appeal, we have no hesitation, in light of the entire record, in stating that the claim is unworthy of belief.

The record also gives the lie to his claim that he knew nothing of the purported settlement until May 1963. On February 18, 1963 Morris F. Pearlman was obliged to file a petition in the County Court action to impose an attorney's lien and fix his fee. The petition recites that Grossman had settled his claim for personal injuries for $350 during the course of the trial, and refused to cooperate in its collection—in fact the petition states that plaintiffs refused to sign general releases or warrants of satisfaction and refused to cooperate with Pearlman in collecting both the settlement and the $10,000 verdict.

Plaintiff advances the argument that his attorney was not in a position to settle under any circumstances because plaintiff's physician, a Dr. Farrar, had never been requested to report upon the injuries suffered in the accident. What plaintiff conveniently forgets is that he detailed his injuries in answering defendants' interrogatories shortly after the accident. During the course of the argument we inquired of plaintiff just what his injur-

ies were, in order to ascertain whether the $350 settlement could have been a fair one. He evaded the question and, indeed, refused to answer. We then had defense counsel read the pertinent answer to the interrogatory posed. That answer indicated that the injuries claimed were of a very minor nature. At this point plaintiff volunteered that his injuries were of a more serious nature, but continued to refuse to say just what they were.

The same devious attitude and evasive action characterizes what plaintiff said and did during the entire case. His attorney found him a very difficult client. We had good opportunity to observe the Grossmans when they argued their respective appeals before us, and received the distinct impression that the court was being given less than the entire truth.

The Grossmans are New York City residents. They have both read of high verdicts in newspapers and magazine accounts; in fact, the wife cited out-of-state cases where there were large dollar awards in cases which she considered factually close to hers. Husband and wife have consulted other attorneys and even contacted a New York State senator. Both of them hold the opinion that their cases are worth much more than the New Jersey jury awarded them—Mrs. Grossman mentioned $100,000. Both would now like to pursue their actions in the New York courts. Grossman instituted an action *pro se* in the Supreme Court for the County of New York against defendants for the same personal injury claim. And in October 1963 he and his wife, *pro se*, instituted another action in the same court for Mrs. Grossman's personal injuries and his claim *per quod*. Those actions are still pending awaiting the outcome of the New Jersey appeals.

The $350 settlement took place at the close of the second day of the trial, September 19, 1962. Plaintiff alleges that his attorney, Pearlman, and defendants' attorney, Campo, were standing at the judge's bench and that he heard nothing of what they said, nor was he informed of what had been settled until, as he says, May of 1963. The transcript of the first trial shows that Mr. Pearlman, in speaking to the trial judge, noted that there were three counts and that "We are dismissing the third count by an adjustment with prejudice. We have settled our differences in that, without costs, of $350.00. This is dismissed with prejudice." Grossman insisted he heard nothing of this because he and his wife were sitting in the spectators' seats back of the rail which separated the seats from the well of the court. His wife corroborates him.

Both Mr. and Mrs. Grossman do, however, admit that they heard what happened directly after. The trial had apparently reached the point where the respective attorneys and the trial judge were awaiting the arrival of plaintiffs' physicians—Dr. Reilly and Dr. Leib. Defense attorney Campo then stated:

> "We have been waiting for several physicians. Both the plaintiff and defendants' attorneys are stipulating that they will proceed without the additional doctors and that we are not to mention their names, and the fact that they are not here, in summation, as to prejudice either case. We are excluding their testimony."

Mr. Pearlman agreed to this and then asked:

> "Mr. and Mrs. Grossman, you understand what has been happening? We have agreed between counsel, subject to your approval and the court's approval, that we proceed without Doctor Reilly and Doctor Leib, and that we have been waiting for them. The court has declared a recess.
>
> Now, Mr. and Mrs. Grossman, does that meet with your approval, that I proceed with summation and proceed with the case, and what do both of you say?
>
> Mr. Grossman: Yes.
>
> Mrs. Grossman: Yes.
>
> Mr. Pearlman: You both say yes. You understand this is the end of the testimony and you consent to that?
>
> Mr. Grossman: Yes.
>
> Mrs. Grossman: Yes."

Both sides then rested and the trial judge announced that counsel might proceed to sum up and he would charge the jury the first thing in the morning.

At the hearing on the motion to set the alleged settlement aside, Grossman under oath stated that he and his wife heard nothing of the colloquy regarding the settlement. Our difficulty in resolving whether Judge Galanti, who heard the motion and who presided at the first trial, correctly denied the motion, is that he did not have the benefit of the testimony of either Mr. Pearlman or Mr. Campo. Neither was in court. Mrs. Grossman told Judge Galanti that she had sent them and Mr. Hillis, of the firm of Marley, Winkelried & Hillis who represented defend-

ants at the trial, copies of the notice to set aside the settlement. The only persons before Judge Galanti at the hearing were Mr. and Mrs. Grossman and Mr. Francis M. Shawl, a member of the Hillis firm, who had been found somewhere in the courthouse during the recess and brought into the courtroom. Mr. Shawl had not participated in the first trial.

We are not satisfied with the present state of the record. What is lacking is the testimony of Mr. Pearlman and Mr. Campo as to what took place at the time of the alleged settlement. Accordingly, we remand the matter to Judge Galanti so that he may perfect a full record by taking and appraising the testimony of Mr. Pearlman, Mr. Campo, Grossman and his wife. If Judge Galanti has any recollection of what happened at the settlement, he should note it in the record. He should assess credibility and set out his conclusions at length. We retain jurisdiction.

Opinion

NOT FOR PUBLICATION WITHOUT THE APPROVAL
OF THE COMMITTEE ON OPINIONS

Opinion

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

A-558-63

DAVID T. GROSSMAN,
plaintiff-appellant,

vs.

JEANETTE STUBBS and HAROLD RUGG,
defendants-respondents.

Decided September 23, 1964.

Before Judges GOLDMANN, KILKENNY and COLLESTER.

MR. DAVID T. GROSSMAN, appellant, *pro se.*

MESSRS. MARLEY, WINKELRIED & HILLIS, attorneys for respondents.

Per Curiam

In our earlier opinion of May 11, 1964 we remanded this matter to the trial court for the taking of further testimony in order to make a more complete record upon which to base an evaluation of whether there had been a settlement. We directed that Judge Galanti, who pre-

sided at the time of the alleged settlement, take and appraise the testimony of Attorneys Pearlman and Campo, and of plaintiff Grossman and his wife. If the judge had any recollection of what happened at the settlement, he was to note it in the record. He was also to assess credibility. We retained jurisdiction.

The requested supplemental hearing has been held and the testimony of the four named persons taken. At the conclusion of the hearing Judge Galanti remarked that he had no personal recollection of what had occurred on the day of the settlement other than the fact that Mr. Grossman's suit for personal injuries had been settled out of court. He was convinced that both plaintiff and his wife were within hearing distance at the time Mr. Pearlman, plaintiff's attorney, stated to the court that "We are dismissing the third count [of the joint complaint] by an adjustment, without costs, of $350.00. This is dismissed, with prejudice." On the issue of credibility, the judge declared "without any hesitation" that the testimony of the two lawyers was more credible than that of the Grossmans, and that the Grossmans were fully apprised of the settlement before Mr. Pearlman announced it in open court.

Under all of the circumstances of the case, and our reading of the entire record, we are satisfied that the trial judge arrived at a proper result, and that plaintiff's case had been settled at the close of the second day of the trial. The issue was preeminently one of credibility for the trial court to determine, *R.R.* 1:5-4(*b*), 2:5; *Abeles* v. *Adams Engineering Co.*, 35 *N.J.* 411, 421-2 (1961).

Accordingly, the trial court order denying plaintiff's motion to set aside the settlement of his action for personal injuries in the case of *Irma Grossman and David T. Grossman* v. *Jeanette Stubbs and Harold Rugg* (*Bergen County Court, Docket No.* 61-646) is affirmed.

APPENDIX

Order Denying Petition

SUPREME COURT OF NEW JERSEY

No. C-49 SEPTEMBER TERM 1964

DAVID GROSSMAN,
Plaintiff-Petitioner,

vs.

JEANNETTE STUBBS, *et al.*,
Defendants-Respondents.

ON PETITION FOR CERTIFICATION

To Appellate Division, Superior Court:

A petition for certification having been submitted to this Court, and the Court having considered the same,

It is hereupon Ordered that the petition for certification is denied with costs.

WITNESS the Honorable Joseph Weintraub, Chief Justice, at Trenton on the 25th day of November, 1964.

JOHN H. GILDEA
Clerk of the Supreme Court

Filed
Nov. 25, 1964
John H. Gildea
Clerk

A True Copy
John H. Gildea
Clerk

C. Plaintiffs' Exhibit 1

Letter from Morris Pearlman, Dated November 1, 1962

Law Offices
Pearlman & Pearlman
MORRIS F. PEARLMAN
NATHAN PEARLMAN
———
RUTH W. PEARLMAN

SWARTMORE 5-2828

321 Bergen Avenue
Trust Company of New Jersey
Jersey City 6, N. J.

November 1, 1962.

Mr. David T. Grossman
c/o Strauss Stores
658 Newark Avenue
Jersey City, N. J.

Re: Grossman vs. *Stubbs, et al.*

Dear Mr. Grossman:—

Pursuant to your request, we informed the Court that the case has to be tried after the first of the year. The tentative new date is January 21, 1963.

We have advanced money for medical reports and medical testimony. It is now necessary to have your wife re-examined by Dr. Lieb, Dr. Reilly and by a gynecologist. This means additional payment for medical reports and for the testimony of the doctors who will be called to the re-trial of the case.

To pay the doctors I shall need about $300.00. In order to make it easier for you, I settled your case for your personal injuries, which has nothing at all to do with your wife's case, for $350.00. I have prepared a General Release so that we can get the money for you now, and

C. Plaintiffs Exhibit 1

Letter from Morris Pearlman, Dated November 1, 1962

you can use the money temporarily to take care of the doctors' expenses.

I told you this when I was at your store, and asked you to sign the Release but you said your wife refused to allow you to sign any papers.

I am not forcing you to sign any Release; if you have the money and want to turn it over to me to use to pay the doctors I will arrange for all of these examinations during the later part of November or early in December.

Please advise me whether you want to sign the Release and get the money from the company, or that you have $300 to advance for the doctors as indicated.

I would appreciate hearing from you upon receipt of this letter.

Very truly yours,

MORRIS F. PEARLMAN

MFP:esl

D. Plaintiffs' Exhibit 2

Letter Dated June 10, 1964

BERGEN COUNTY COURT

Benjamin P. Galanti
Judge

Chambers, Court House
Hackensack, N. J.

June 10, 1964

Mr. and Mrs. David T. Grossman
287 Avenue C
New York, New York

Re. *Grossman* v. *Stubbs*

Dear Sir and Madam:

I am enclosing herewith a copy of the letter I have addressed to Judge Goldman, which is self-explanatory.

I have set Monday, September 14, 1964, at 9:30 a.m. for a continued hearing.

Yours very truly,

BENJAMIN P. GALANTI
Benjamin P. Galanti

BPG/ah
Encl.

D. Plaintiffs' Exhibit 2—(Continued)

Letter from Benjamin P. Galanti, Dated June 10, 1964

BERGEN COUNTY COURT

Benjamin P. Galanti
Judge

Chambers, Court House
Hackensack, N. J.

June 10, 1964

Honorable Sidney Goldman
State House Annex
Trenton, New Jersey

Re. *Grossman* v. *Stubbs*

Dear Judge Goldman:

Pursuant to the Mandate contained in the Opinion by Judge Collester, I had a hearing on May 22, 1964 and the following witnesses testified: Morris Pearlman, John E. Campo, Irma Grossman and David T. Grossman.

The court reporter advised me that she has transcribed the testimony of Morris Pearlman and John E. Campo, but cannot find the notes of the testimony of Irma Grossman and David T. Grossman, nor the notes of my findings of fact and conclusion of law in the matter.

I would like to have disposed of this matter before the end of the regular court session but I find it impossible to schedule it before June 26. I am, therefore, setting this matter down for a re-hearing on Monday, September 14, 1964.

Very truly yours,

BENJAMIN P. GALANTI
Benjamin P. Galanti

BPG/ah

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FILED
MAR 31 1965
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 822

DAVID GROSSMAN, ET AL.,

Petitioners,

v.

JEANNETTE STUBBS and HAROLD RUGG,

Respondents.

PETITION FOR REHEARING

Irma Grossman, pro se,
for
DAVID GROSSMAN, pro se
287 Avenue C,
New York, New York

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Petitioners prays that this Court grant rehearing of its order of March 8, 1965 denying the petition for writ of certiorari on the following grounds:

1. The respondents did not and could not answer our brief. The insurance company will not become involved with this fraud through the highest court in this land. M. F. Pearlman who pulled off the purported settlement has never answered anything.

2. We have never had any type of hearing on this fraud. The Supreme Court of New Jersey refused to hear it. The Ethics Committee who is controlled by the Supreme Court of New Jersey refused to hear it. It was not until after the Appellate hearing that through various testimony forced out of the defendants and Pearlman were we able to prove without a doubt all of our allegations. It was through the remand of the appellate division that Pearlman through

testimony entrapped himself and the respondent. This is the same remand the Appellate division of New Jersey passed judgment on in May of 1964 and did not have testimony until September 1964.

3. We are asking for the most fundamental right guaranteed by law. The right of hearing. We have never felt that this matter must be settled by the Supreme Court of the United States. We have only asked for a hearing by any official Tribunal. The matter can be remanded back to the Supreme Court of New Jersey or whatever court this body feels it should be remanded back to. To completely deny any hearing is against all principles of law and justice.

4. The complete attitude of judges, the courts and yes even the office of the Supreme Court of the United States is prejudiced against parties who act pro se. When this court denied our petition on March 8, 1965 we were notified by letter. On Wednesday March 10, 1965 the clerks office notified the Supreme Court of New Jersey on the denial of our writ. Mail with our notification of denial did not arrive until late Wednesday. As soon as we were notified we sent a telegram advising the clerks office we were applying for a stay. This telegram was waiting in the clerks office by 9:00 a.m. Thursday morning. The stay papers arrived Thursday Air mail, special delivery. The clerk refused to file them. I advised this office that I acted correctly and this was an error on their part for not sending a telegram. In quoting Supreme Court Practice Stern Gressman Third Edition P 268 "In cases on the regular appellate docket, counsel residing outside Washington, D.C., will receive notification from the Clerk

by telegram." The Clerks office answered by notifying us that it has not been the practice of the office to notify litigants proceeding pro se by telegram. And the quote I used specifically states *counsel.* (Exhibit 1). In #385 *Grossman* v. *Stubbs,* October Term, 1964, we were notified of the denial via telegram. This case was the end result of the purported settlement. We have paid the same fees to the courts as any counsel. We have presented the correct forms as a counsel would. And therefore we deserve the same courtesy and respect that is given to counsel. Parties who act in their own behalf are not second class citizens. The courts were supposedly created for the people not the people for the courts.

If the court resents parties acting pro se I for one would be glad to turn this matter over to any attorney who will attack the local bar associations throughout the county as being defunct and ineffectual in governing over the ethics of the bar. There are no civil boards or private citizens on the ethics committees. It is governed by lawyers, judged by lawyer and obligated to lawyers. This is no watch system to protect the public against lawyers.

I would want an attorney who has no loyalties to any bar, or to any judge or to any future case in which he must deal again with bar and bench. The plaintiffs realize "insurance" is one of the ten biggest industries in the United States. Each state has its insurance lobby in legislature wheeling and dealing to protect their interests. There are payoffs, graft, corruption, contributions for elections etc. *Who protects the people?* Find me a lawyer who will

admit legal stunts such as purported settlement can and are pulled off in every state. Find me a lawyer who will admit the parties in civil suits are regarded as pieces of meat in a butcher shop. Certain large firms will only handle the big money cases. Where does justice of the situation find its place.

Find me a lawyer who would attack the VI amendment of the New Jersey Constitution which denies the people of New Jersey the right to vote for the judges who have the unlimited power to decide law and make way for rules of court and then shove these laws and rules down the peoples throats without any vote by the people whatsoever. Now the pendulum swings for voters rights in Alabama. I think it ironical that when the Negro has his vote in Alabama they will be voting for the judges that govern them while the people of New Jersey white or black are and will be denied this right.

5. Just as any member of this court honors his name so do the Grossmans. In our petition for hearing it is our good name that is at stake. The appellate division in their opinion of May, 1964 branded us liars. M. F. Pearlman in the remand hearing of September 14, 1964 stated about Mrs. Grossman "This woman needs a guardian or a committee appointed. I want that in the record." It seems if a private citizen tries to fight in court for his beliefs or rights he is unbalanced or a liar or both. We have a right to our good name and to defend that good name and we can only do that through hearing where we can prove our allegations as being true. We shall never give up this cause. In speaking with the public, the

people who are used by the attorneys we have compiled enough stories and stunts about lawyers and the courts to fill a book. After believing so strongly in the supposed American way its a big let down.

We ask this court for all the foregoing reasons and with "justice for all" to have this complete matter heard by whatever tribunal this court deems just.

Respectfully submitted and written by

Irma Grossman, pro se,
for
David Grossman, pro se
287 Avenue C,
New York, New York

Certificate of Counsel

We, Irma Grossman, pro se and David Grossman, pro se, certify that the foregoing Petition for Rehearing is presented in good faith and not for purposes of delay.

/s/ Irma Grossman
/s/ David Grossman

EXHIBIT 1

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

March 18, 1965

Mrs. D. Grossman
287 Avenue C
New York, N. Y.

RE: GROSSMAN v. STUBBS, ET AL.
No. 822, Oct. Term, 1964

Dear Mrs. Grossman:

Your letter of March 16th citing one of the volumes concerning practice in this Court does not govern the practice of this office.

The Rules promulgated by the Court and other methods of notification may at any given time be in substantial variance with the various books of practice, and it has never been the practice of this office to notify litigants proceeding pro se by telegram.

The sentence referred to in your letter specifically states that counsel residing outside Washington, D. C. will be notified by telegram.

Very truly yours,

JOHN F. DAVIS, Clerk

By Edward C. Schuda

E. C. Schuda
Assistant

ECS:rlf